



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,159	04/12/2004	John Hevesi	22306.0101PTUS	2644
41434	7590	10/05/2007		
PATTON BOGGS LLP 2550 M STREET NW WASHINGTON, DC 20037-1350			EXAMINER SWINEHART, EDWIN L	
			ART UNIT	PAPER NUMBER
			3617	
			MAIL DATE	DELIVERY MODE
			10/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/822,159

Applicant(s)

HEVESI ET AL.

Examiner

Ed Swinehart

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 18-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 18-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 18-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Abbenhouse et al.

Abbenhouse et al. discloses a fiber reinforced composite paddle blade having a “skeleton” **38,43** with at least one rib extending towards the outer periphery, and ending substantially at the periphery as claimed. The skeleton is covered top and bottom by a composite skin, and attached to shaft as claimed. The rib may be said to include the form **75**, therefore, rib and blade are made of different materials as claimed.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6,9,10 and 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abbenhouse et al. in view of Sweetland.

Abbenhouse et al. discloses an inner “skeleton” **38,43** covered top and bottom by a composite skin, and attached to shaft as claimed. Abbenhouse et al. fails to show a grip as is old and well known in the art.

Sweetland shows the field of the invention, including a reduced diameter cylindrical portion **62**, which longitudinally locks a grip therein. Sweetland teaches provision of holes **30** within the handle of the figure 3 embodiment for cooperating with formed "ridges" to secure the handle.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide Abbenhouse et al. a grip as taught by Sweetland.

Such a combination would have been desirable at the time of the invention so as to provide a sure grip for the user.

Re "injection molded", such is method of making, carrying no weight in the claims.

The exact plastic used in the construction is considered to have been an obvious design consideration.

Re "wing shaped", such fails to define any specific structure and/or arrangement so as to define over Abbenhouse et al.

Re "at least one rib that extends distally from the longitudinal centerline...", such fails to define over Abbenhouse, and the illustrated ribs are distant from the centerline, and extend towards the outer periphery.

5. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abbenhouse et al. in view of Sweetland as applied to claim 1 above, and further in view of Bruce.

Bruce teaches a bent shaft.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide bent shaft portions to Abbenhouse as taught by Bruce.

Such a combination would have been desirable at the time the invention was made so as to provide a more ergonomic shape.

6. Applicant's arguments filed 12/26/2006 have been fully considered but are not deemed persuasive.

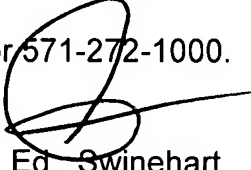
Applicant argues that Abbenhouse et al. fails to show the ribs extending "ending substantially at said outer periphery" as claimed.

In response, the examiner does not agree. Abbenhouse et al. shows in figure 1A the ribs extending "substantially" to the periphery as claimed. Substantially is relative, and is generally equivalent to "greater than one half" or "almost" or "very nearly" or the like. There is nothing in the meaning of the word so as to define over the extent of the ribs of Abbenhouse et al.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ed Swinehart whose telephone number is 571-272-6688. The examiner can normally be reached on Monday through Thursday 6:30 am to 2:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Ed Swinehart
Primary Examiner
Art Unit 3617